Comments on the Coyote Valley Specific Plan's Draft EIR

By Julie Phillips, Tule Elk Biologist, phillipsjulie@fhda.edu, June 28, 2007

1.1 Introduction: "The purpose of the EIR is to **inform the public and various governmental agencies** of the ***environmental effects*** of the proposed Coyote Valley Specific Plan (CVSP) project."

If the purpose of the EIR is to inform of the environmental effects of the proposed CVSP project, **why didn't the Draft EIR include a review of the regional conservation planning efforts occurring throughout California, specifically the Central Coast region?** In addition, **why weren't the various related studies on core habitat areas and habitat linkages** included in the Draft EIR?

1.2 Project Location: "The CVSP project area comprises approximately 7,000 acres of ***primarily undeveloped flat land located*** within the Sphere of Influence and Urban Growth Boundary of the City of San Jose".

Why didn't the Draft EIR emphasize (for the public and city leadership) the critical link that Coyote Valley serves between the inner coastal range (Diablo Range) and outer coastal range (Santa Cruz Mountains) instead of referring to the location as "primarily undeveloped flat land"?

The Mt. Hamilton Range (region) is one of the subdivisions of the Diablo Range (Sharsmith,1982) and borders this project area to the east while the Santa Cruz Mountains are found to the west. The Draft EIR Regional Map, Figure 1.0-1 clearly demonstrates that the Coyote Valley is the critical link (or connectivity) between the inner and outer coastal ranges, yet it is described as **"primarily undeveloped flat land".**

There are numerous studies, including the Wildlands Conservation in the Central Coast Region of California (Thorne, Cameron and Jigour, 2002), **which emphasize the importance and role of connectivity in maintaining the integrity of natural communities**. The authors state "habitat linkages connect larger blocks of habitat and provide safe passage for wildlife". Thorne, et al (2002) further state that **these linkages (such as Coyote Valley) are vanishing in the Central Coast Region**. They conclude that The Missing Linkages Conference (Penrod, et al., 2001) identified linkages in the central coast region based on expert knowledge of wildlife biologists and land managers and the primary threats to habitat linkages included urbanization and roads. **According to their findings, the two ranges (Diablo and Santa Cruz) are proposed "core areas" which require a high level of habitat protection while the "linkage" runs east west across Coyote Valley**. The authors emphasize that "localized planning is needed to identify if the linkage can be protected". (Thorne, et al., 2002).

There is scientific consensus that **Coyote Valley may be the last the critical link for wildlife between these two ranges**. Thorne, et al., 2002 include in their work

Subsection Map 15: Santa Cruz Mountains to the Northern Diablo Range (Least Cost Path Analysis), which should be included in the EIR.

Thorne, et al. (2002, 2006) research is **referred to in appendix G (WRA Environmental Consultants, 2006),** but there is no reference within the Draft EIR document. The WRA Biological Resources Technical Report states "To the east is the Mount Hamilton Range, part of the larger Diablo Range, and to the west are the Santa Cruz Mountains, part of the larger Coast Range. The Plan Area has been **identified as a key regional linkage** for wildlife movement between the Diablo Range and Santa Cruz Mountains. **Due to the close proximity of these two mountain ranges in the vicinity of the Plan Area, and development in the region outside of the Plan Area, there are very few other areas on a regional scale that offer a viable connection between the Diablo Range and the Santa Cruz Mountains**" (WRA, 2006).

WRA (2006) further states in their report that there are several existing barriers that affect the east-west movement of terrestrial wildlife across Coyote Valley and that only limited options exist for east-west wildlife movement across these barriers. In addition, WRA lists several options for wildlife use across Highway 101, Monterey Highway and other locations. They conclude "**Although some north-south movement within the Plan Area may enable access to other undeveloped areas on the east and west sides of the valley, these developed areas prevent the Plan Area from functioning as a significant north-south wildlife corridor on a regional scale**." (WRA, 2006).

Where is the data that supports this significant statement by WRA Environmental Consultants? WRA provides no references, methodology and other evidence that any significant field research was conducted, and **there appears to be no scientific basis for their comments**. There must be the highest scientific standard upheld on those regional decisions that will disrupt **a critical link for wildlife between two major ranges.** Please see **4.6 Biological Resources** section below with specific data, which disputes WRA comments in their Technical Report.

1.3 Background: "For nearly three decades, the City of San Jose has been working toward. . . preserving open space and linking land use (excerpt)." Seven strategies work together as the foundation for the vision: "Urban Conservation/Preservation, Greenline/Urban Growth Boundary and Sustainable City (excerpt)".

There is no indication within the Draft EIR that preserving open space and linking land use is occurring. The areas highlighted around Coyote Creek in the Draft EIR are already designated open space. The "Greenbelt" area would not maintain the integrity of the critical link, and there doesn't appear to be any "growth boundary" in the proposed development plan for Coyote Valley.

A sustainable city (aka environmentally sustainable city, ecocity or green city) emphasizes: (Miller, 2005)

- Preventing pollution and reducing waste
- Using energy and matter resources efficiently

- Recycling and reusing at least 60% of all municipal solid waste
- Using solar and other locally available renewable energy resources
- **Protecting and encouraging biodiversity by preserving surrounding land and protecting and restoring natural systems and wetlands with urban areas**
- Promoting urban gardens and farm markets
- Promoting green design of buildings, including green roofs

Where does the Draft EIR specifically reflect the "vision" and "strategies" for preserving open space, linking land use (including connectivity), urban conservation and preservation, greenline/urban growth boundary and sustainability adopted by the City of San Jose 2020 General Plan?

What other "sustainable city, ecocity or green city" in the United States, besides the City of San Jose, is proposing a development plan which would destroy one of the last the critical links for wildlife between two major ranges? What are the long-term environmental effects of cutting off viable populations of wildlife permanently?

Section 4.0 Environmental Setting, etc.

According to the Draft EIR "**This EIR is based on the best information available to thoroughly evaluate the existing condition of the environmental landscape** prior to approval of the CVSP and to determine the significant impacts on the physical environment resulting from the proposed urban development of the Coyote Valley Specific Plan."

4.1 Land Use

Is there a land use policy included in Chapter 4, which emphasizes the protection of natural communities, wetlands and wildlife species found within this critical habitat and corridor linkage of Coyote Valley? If yes, what is it? If no, why not?

The categories covered in the policy list include Residential Land Use Policy, Commercial Land Use Policy, Urban Design Policy, Park and Recreation Policy, Hazards Policy, Earthquakes Policy and Fire Hazards Policy. **Where is the Conservation and Preservation of Natural Communities and Wildlife Policy? Where is the Conservation and Preservation of Linkages or Connectivity Policy? Why haven't the consultants for Land Use Planners (or staff) included a recommendation to incorporate these into the Draft EIR?**

It is noted that Section 4.6.1 Introduction and Regulatory Framework does cite CDFG and CNDDB and refers the reader to Appendix G, and the Urban Design Policy, Riparian Corridor and Upland Wetlands Policy, Species of Concern Policy and Water

Resources and Urban Forest Policy but there is no specific policy supporting linkages or connectivity.

4.6 Biological Resources

The Draft EIR states "To evaluate the biological resources of the CVSP Area, a variety of methodologies: (excerpt) literature and database reviews; surveys by wildlife biologists, botanists and arborists; special-status species surveys; wetlands delineation; and aerial photographs and observing properties from public roadways" were used.

Why didn't the team of trained biologists, plant ecologists, geographers, landscape architects, geologists, soil scientists, GIS managers, land use planners, quality assurance reviewer or others emphasize the importance of the northern Coyote Valley as one of the last critical links for wildlife between the Diablo Range and the Santa Cruz Mountains?

Why didn't the review of the literature and databases emphasize the current scientific thinking of landscape ecology and regional conservation planning and apply the current "ecosystems thinking" to Coyote Valley?

A team of research scientists and Environmental Stewardship Interns from De Anza College has been collecting data over the last 5 months in the Northern portion of Coyote Valley in the critical corridor along Highway 101. **A preliminary review of the data shows that wildlife is using this east-west linkage to move between the inner and outer coastal ranges** (De Anza College Environmental Stewardship Program, 2007).

The Draft EIR states that Highway 101 and other highways are a significant barrier to the east-west movement of wildlife. **What data was collected by consultants or city staff that supports this statement?**

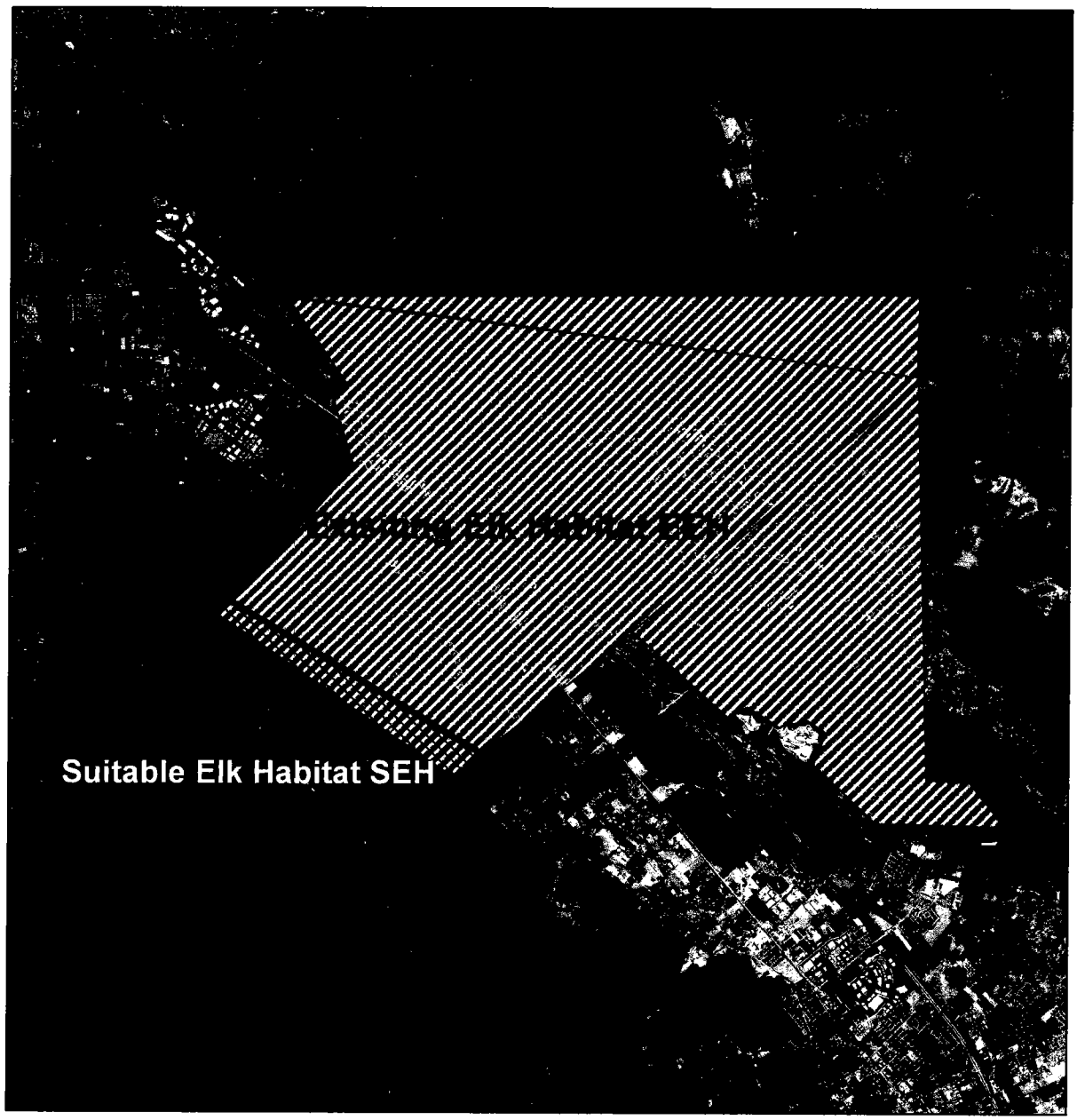
According to the Draft EIR, the northern portion of the valley is designated as Campus Industrial, which could accommodate 50,000 employees. **What will be the immediate and long-term impacts on wildlife utilizing this critical east-west linkage to move within the Coyote Valley and surrounding areas and between the inner and outer coastal ranges?**

If the purpose of the Draft EIR is to inform the public of the environmental effects of the proposed CVSP project, **why didn't the Draft EIR include Tule Elk** in the Biological Resource Section as an essential component of the natural community in this region?

Tule Elk in Santa Clara County:

Tule Elk (*Cervus elaphus nannodes*), endemic to California, is the smallest subspecies of North American Elk. Tule Elk were once abundant throughout most of Central

Figure 1: Tule Elk Map for the Coyote Valley Ecological Area/Critical Wildlife and Habitat Linkage(CVEA/CWHL)



California but by the 1870's, it was thought that Tule Elk were extinct. A small group of less than 20 elk were discovered and through careful management were gradually reintroduced statewide. Tule Elk were never specifically listed under either the state or federal Endangered Species Act but have had a long history of protection by the legislature and the California Department of Fish and Game (Rigney, undated). As of 2007, the statewide population had increased to approximately 3,800 tule elk in 21 different herds (Joe Hobbs, CDFG). CDFG estimates that there are approximately 400 Tule Elk in Santa Clara County.

The Mt. Hamilton region of the Diablo Range and including Coyote Valley and west through the Santa Cruz Mountains is native Tule Elk range. Evermann (1916) referred to "convincing evidence of elk range over the entire San Joaquin Valley and adjacent foothills and through the Livermore and Sunol Valleys across to Santa Clara Valley and even to Monterey." The State Legislature enacted the Behr Bill (1971) and in 1976 the United States Congress passed a resolution resulting in the formation of an Interagency Task Force to evaluate and select appropriate relocation sites for Tule Elk, which included the Diablo Range (Santa Clara County) south into the Temblor Range in San Luis Obispo County (Phillips, 1988). The primary management policy of government agencies has been to develop management plans for each herd as part of a state management plan.

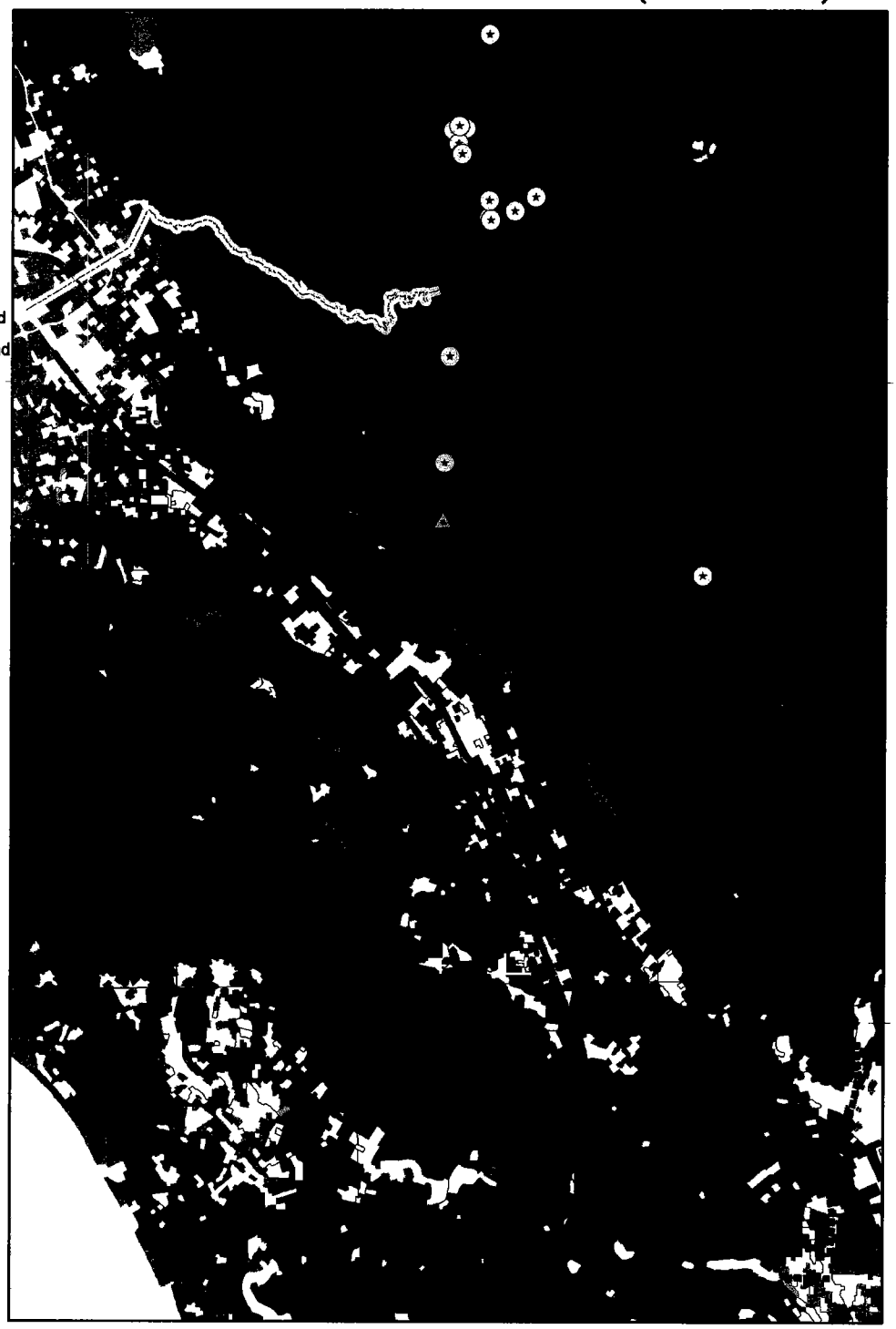
The initial reintroduction of Tule Elk into the Mt. Hamilton region between 1978 and 1981 resulted in the eventual establishment of herds in Isabel Valley, San Antonio, Livermore area, San Felipe, Metcalf Canyon, Coyote Ridge, Anderson Reservoir and surrounding areas. The total study area within the Mt Hamilton region included an area of 1875 km^2 (Phillips 1985). Tule Elk have been successfully reintroduced into this area with Santa Clara County and surrounding areas designated as suitable elk habitat (SEH) by the Interagency Task Force with the California Department of Fish and Game as the lead agency.

Tule Elk (*Cervus elaphus nannodes*) are an important "focal species" and/or umbrella species statewide, in Santa Clara County and specifically the Diablo Range and Coyote Valley Ecological Area and surrounding areas.

Existing elk habitat (EEH) occurs within the northern Coyote Valley east through the Diablo Range and **suitable elk habitat (SEH)** occurs in the western Coyote Valley into and through the Santa Cruz Mountains (see attached **Figure 1** Tule Elk Map for the **Coyote Valley Ecological Area/Critical Wildlife and Habitat Linkage (CVEA/CWHL)** (encompassing the Mt. Hamilton Region of the Diablo Range, Coyote Valley and the Santa Cruz Mountains).

Radio telemetry was utilized both on the ground and by air to monitor elk herd movement, activity, habitat utilization, and home range movement from 1979 through 1984 within the Mt. Hamilton Region of the Diablo Range (Phillips, 1985) (see **Figure 2: Locations of Reintroduced Tule Elk in Santa Clara County - 1979-1984**).

Some Locations of Reintroduced Tule Elk (1979-1984)



Aerial and ground telemetry of reintroduced radio-collared Tule Elk by Julie Phillips, M.S. and Mike Kutilek, Ph.D. Work in progress map produced by Christine Klinkowski.
UTM Zone 10N, NAD27. 21 June 2007.
Data from www.ccjdc.org, 1:305,985

Visual observations of Tule Elk over the last six months were recorded along Coyote Ridge and surrounding hills, east and south of Metcalf Canyon and along the eastern edge of Highway 101 (Phillips, 2007). Henry Coletto reported that Tule Elk have been observed in Coyote Valley west of Highway 101 (Henry Coletto, personal communication, 2007). It is highly probable that elk have dispersed east-west through Coyote Valley over the last 27 years and we will be conducting further research to study potential elk movement into the Coyote Valley Ecological Area including the Santa Cruz Mountains. Suitable elk habitat exists to the west of Highway 101.

In addition, Tule Elk can and probably have crossed over Highway 101 between Bailey Avenue and Metcalf Canyon Roads. The fencing and topography of areas along that stretch are not barriers to the east-west movement of elk (Phillips, 2005, 2006, 2007). Tule Elk could utilize some under crossings along Highway 101 especially along the northern Coyote Valley area. The southern Coyote Valley area designated as "greenbelt" is not a recommended linkage for large mammal species like elk. The human activity and housing planned for that area will not provide safe passage for wildlife and people.

Tule Elk must be included in any environmental review of this critical ecological region, including Coyote Valley, as an important focal, umbrella and/or keystone species. No analysis is complete without the inclusion of this significant large mammal species.

According to SIWNCP (The Wildlands Project, 2000), "focal species are organisms used in planning and managing nature reserves because their requirements for survival represent factors important to maintaining ecological integrity while an umbrella species are a type of focal species whose value in conservation planning stems from their large area requirements (Miller 1999, Noss and Cooperrider, 1994 by Thorne, 2002).

Tule Elk are a potential grassland keystone species and are considered an indicator of grassland connectivity (Rigney, undated). Large species such as the Tule Elk could help disperse grassland plant species that could be aided by hoof and dung dispersal more than wind (Kiviniemi and Eriksson 1999). Tule Elk in the Mt. Hamilton region showed the greatest utilization of grassland during all seasons indicating their possible role in native grassland restoration work (Phillips, 1985). Fluctuating herd sizes and locations may be an indication of changes in forage quality and quantity, a response to different habitats and an anti-predator strategy (Hanley, 1982; Franklin, et al., 1975; McCullough, 1969; and Thomas and Toweill, eds., 1982).

Tule Elk can and will move over very large areas especially if disturbed. Random cow and bull dispersal from traditional home range areas have been observed in several herds in California (Phillips, 1982, 1985 and 1988). Tule Elk have been observed utilizing riparian corridors and moving across roads and highways as they shift to different areas of their home range during calving and breeding seasons or disperse across developed areas (Phillips, 1988).

The continuing long-term dispersal of this large vertebrate species will include movement across Coyote Valley and surrounding areas. Random dispersal of individual or small groups of elk can be expected in this region. These animals will move across roads, highways and interstates and there will be elk-vehicle encounters. **Long-term regional conservation planning for this species is essential for the safety of elk as well as people**. Long-term planning in this region must include crossing structures (which could include large under and over crossing structures) for elk, pronghorn, Mt. Lions, badgers and other large mammals.

Crossing structures (including underpasses and overpasses) were constructed along the TransCanada corridor in Banff National Park in an effort to link habitat and provide safe routes for wildlife across the highway. **Two years after the structures and fencing were installed, ungulate (including elk) road mortality was reduced by 96%** (Clevenger, 1997).

According to Ruediger, 2007, "Growing scientific research shows the importance of wildlife crossings and restoring wildlife habitat connectivity" in Banff National Park. "A series of 22 underpasses and 2 overpasses have decreased total road kills by 80%. ... " 75,000 crossings of wildlife using these structures have been documented, including elk and mountain lions. The authors cite an important benefit of wildlife crossings is the reduction in animal-vehicle collisions with large carnivores, elk and deer. They also state that human deaths and injuries are common when vehicles collide with large wildlife. "A recent study by the Western Transportation Institute calculated the average total costs associated with an animal-vehicle collision was $7,890 for deer and $17,100 per elk." **It is an oversight of this Draft EIR to not include Tule Elk as a focal species**.

Native Tule Elk were returned to this region of Santa Clara County nearly 30 years ago and are an important part of the natural community of Coyote Valley and surrounding ranges. It would be irresponsible and a violation of the public trust to not plan for the movement of these large animals, as well as other wildlife, which benefit both the natural and human communities where they roam. Ecosystem Management or adaptive, community-based conservation is an approach to regional planning that is being used across the country! **It is about people in communities who care so much about their quality of life today and in the future that they have chosen to work with others to improve the places where they live, work and play, while restoring the land**. It is about the interface of science, people and their governments as they struggle to understand their collective impacts on ecosystems and change their approaches (Meffe, et al., 2002).

Tule Elk provide an incredible opportunity to enjoy and view nature right in our community, as well as teach our children about our values of protecting and restoring our natural heritage. Thousands of school children each year will flood to Coyote Valley and surrounding areas to learn about this natural community. Tourists will have an opportunity to view Tule Elk, pronghorn, badgers and other wildlife in this spectacular setting and bring much appreciated revenue to the City of San Jose. The economic opportunities afforded by a sustainable vision and regional conservation planning in the

long-term will surpass other uses of this area. In fact, ecotourism, including wildlife viewing and bird watching, have now surpassed most other recreational activities in this country.

According to renowned scientist E.O. Wilson (2000) "given the means and sufficient leisure, a large portion of the populace backpacks, hunts, fishes, birdwatches and gardens. In the United States and Canada more people visit zoos and aquariums than attend all professional athletic events combined. They crowd the national parks to view natural landscapes, looking from the tops of prominences out across rugged terrain for a glimpse of tumbling water and animals living free".

The continuing monitoring of this umbrella species, along with other wildlife, by the Environmental Stewardship Interns at De Anza College and other field researchers will result in the construction of wildlife crossing structures linking these two critical mountain ranges.

Why didn't the Draft EIR consider more sustainable and visionary, long-term planning for Coyote Valley that benefits a greater number of people than the current, out-dated plan?

Why doesn't the City of San Jose embrace a sustainable city concept, which will be a model for California and the nation?

Has the City of San Jose considered putting wildlife, natural communities and conservation planning as the centerpiece of its 2020 plan?

Has the City of San Jose considered the incredible opportunity they have for a "natural museum" for students, the community and visitors locally and from around the world?

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